



General Assembly

January Session, 2013

Amendment

LCO No. 7742

SB0108107742SD0

Offered by:

SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 1081

File No. 447

Cal. No. 305

"AN ACT CONCERNING RECYCLING AND JOBS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-207a of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) As used in sections 22a-208d, 22a-208q and subsection (b) of
6 section 22a-228: (1) "Composting" means a process of accelerated
7 biological decomposition of organic material under controlled
8 conditions; (2) "mixed municipal solid waste" means municipal solid
9 waste that consists of mixtures of solid wastes which have not been
10 separated at the source of generation or processed into discrete,
11 homogeneous waste streams such as glass, paper, plastic, aluminum or
12 tire waste streams provided such wastes shall not include any material
13 required to be recycled pursuant to section 22a-241b₂ [.] and (3) "mixed
14 municipal solid waste composting facility" means a volume reduction
15 plant where mixed municipal solid waste is processed using

16 composting technology.

17 (b) As used in this chapter, "end user" means any person who uses a
18 material for such material's original use or any manufacturer who uses
19 a material as feedstock to make a marketable product.

20 Sec. 2. Section 22a-208f of the general statutes is repealed and the
21 following is substituted in lieu thereof (*Effective October 1, 2013*):

22 Notwithstanding the provisions of section 22a-208a, a scrap metal
23 processor, as described in section 14-67w, shall not be required to
24 obtain a permit under [said] section 22a-208a if on or before [July 1,
25 1990] July 31, 2014, and annually [on March thirty-first thereafter, he]
26 thereafter, such scrap metal processor submits to the Commissioner of
27 Energy and Environmental Protection, on a form prescribed by the
28 commissioner, the amount of scrap metals generated within the
29 borders of the state and purchased or received [from any municipality,
30 municipal or regional authority, the state or any political subdivision
31 of the state listed by town of origin. He shall also send to each
32 Connecticut municipality included in such listing a copy of such
33 information pertaining to the municipality] by such processor for the
34 prior state fiscal year, including a good faith estimate of the amount
35 received directly from in-state construction or demolition sites. Such
36 report shall identify the monthly amounts of scrap metal generated
37 within the state, other recyclable materials generated within the state
38 and recycling residue generated, each of which was sent out by such
39 processor, and indicate the destination facility type for such materials,
40 including an indication of whether such facility is in this state.

41 Sec. 3. Subsection (g) of section 22a-220a of the general statutes is
42 repealed and the following is substituted in lieu thereof (*Effective*
43 *October 1, 2013*):

44 (g) As used in this section, "collector" means any person who holds
45 himself out for hire regularly to collect solid waste [on a regular basis]
46 from residential, business, commercial or other establishments.

47 "Collector" does not include: (1) Any person who transports solid
48 waste that is incidentally generated during professional or commercial
49 activities unrelated to the collection of solid waste, such as residential
50 property repairs, provided such solid waste is self-generated by such
51 person's professional or commercial activities and such solid waste is
52 transported to an authorized recycling facility, a permitted recycling
53 facility, or a permitted solid waste facility, and (2) any person who
54 transports used materials for the purpose of delivering such materials
55 to a charitable organization that distributes reused household items or
56 to a retail facility that sells reused household items.

57 Sec. 4. Subsection (a) of section 22a-226e of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective*
59 *October 1, 2013*):

60 (a) [Not later than six months after the establishment of service in
61 the state by two or more permitted source-separated organic material
62 composting facilities, as defined in section 22a-207, that have a
63 combined capacity to service the needs of commercial food
64 wholesalers or distributors, industrial food manufacturers or
65 processors, supermarkets, resorts or conference centers that each
66 generate an average projected volume of not less than one hundred
67 four tons per year of source-separated organic materials] (1) On and
68 after January 1, 2014, each commercial food wholesaler or distributor,
69 industrial food manufacturer or processor, supermarket, resort or
70 conference center that is located not more than twenty miles from an
71 authorized source-separated organic material composting facility and
72 that generates an average projected volume of not less than one
73 hundred four tons per year of source-separated organic materials shall:
74 [(1)] (A) Separate such source-separated organic materials from other
75 solid waste; and [(2)] (B) ensure that such source-separated organic
76 materials are recycled at [a permitted source-separated organic
77 material composting facility that is not more than twenty miles from
78 such wholesaler, distributor, manufacturer, processor, supermarket,
79 resort or conference center, as applicable] any authorized source-

80 separated organic material composting facility that has available
81 capacity and that will accept such source-separated organic material.

82 (2) On and after January 1, 2020, each commercial food wholesaler
83 or distributor, industrial food manufacturer or processor, supermarket,
84 resort or conference center that is located not more than twenty miles
85 from an authorized source-separated organic material composting
86 facility and that generates an average projected volume of not less than
87 fifty-two tons per year of source-separated organic materials shall: (A)
88 Separate such source-separated organic materials from other solid
89 waste; and (B) ensure that such source-separated organic materials are
90 recycled at any authorized source-separated organic material
91 composting facility that has available capacity and that will accept
92 such source-separated organic material.

93 Sec. 5. (NEW) (*Effective October 1, 2013*) The Commissioner of
94 Energy and Environmental Protection, in consultation with other state
95 agencies or quasi-public agencies, shall identify opportunities for the
96 establishment of a new, or the expansion of any existing, recycling
97 infrastructure investment program.

98 Sec. 6. (NEW) (*Effective October 1, 2013, and applicable to assessment*
99 *years commencing on or after said date*) (a) For the purposes of this
100 section:

101 (1) "Municipality" has the same meaning as provided in section 12-
102 129r of the general statutes.

103 (2) "Recycling" has the same meaning as provided in section 22a-207
104 of the general statutes.

105 (b) Any municipality may, by ordinance adopted by its legislative
106 body, provide an exemption from property tax for any machinery or
107 equipment used in connection with recycling that is installed on or
108 after October 1, 2013. Any such exemption shall apply only to: (1) The
109 increased value of the commercial or industrial property that is
110 attributable to such machinery or equipment, and (2) the first fifteen

111 assessment years following installation of such machinery or
112 equipment.

113 Sec. 7. (NEW) (*Effective from passage*) (a) Not later than June 30, 2013,
114 the Department of Energy and Environmental Protection, in
115 consultation with the Office of Policy and Management, shall initiate
116 one or more audits of the Connecticut Resources Recovery Authority.
117 The Connecticut Resources Recovery Authority shall cooperate fully
118 with any such audit and shall pay the cost of any such audit provided
119 such payment shall not exceed a cumulative total of five hundred
120 thousand dollars. Any such audit may include, but need not be limited
121 to, a review or analysis of: (1) The results of any such audits, review of
122 any investigation of said authority or by said authority that occurred
123 prior to the effective date of this section, (2) the financial condition of
124 said authority, (3) said authority's short and long-term liabilities,
125 including, but not limited to, such liabilities to bond holders,
126 employees, former employees and such liabilities from lawsuits, leases,
127 contractual obligations and any other matter, (4) said authority's
128 existing and projected revenues, (5) said authority's cash flow
129 projections for each of the next three calendar years, (6) said authority's
130 operations, including, but not limited to, human resources, facilities
131 use, information technology services, and identification of potential
132 operating efficiencies, (7) said authority's internal controls, financial
133 management and risk management practices, and (8) any transaction
134 of said authority.

135 (b) On or before October 30, 2013, the Department of Energy and
136 Environmental Protection, in conjunction with the Office of Policy and
137 Management, shall provide a summary of the findings of such audits
138 to the Governor and the joint standing committees of the General
139 Assembly having cognizance of matters relating to the environment,
140 appropriations and government administration.

141 Sec. 8. (*Effective from passage*) (a) There is established a Resources
142 Recovery Task Force to study the operations, financial stability and
143 business models for resource recovery facilities operating in the state.

- 144 (b) The task force shall consist of the following members:
- 145 (1) One appointed by the speaker of the House of Representatives,
146 who shall be a municipal official or a representative of an organization
147 that represents municipalities;
- 148 (2) One appointed by the president pro tempore of the Senate, who
149 shall be a municipal official or a representative of an organization that
150 represents municipalities;
- 151 (3) One appointed by the minority leader of the House of
152 Representatives, who shall be a municipal official or a representative
153 of an organization that represents municipalities;
- 154 (4) One appointed by the minority leader of the Senate, who shall be
155 a municipal official or a representative of an organization that
156 represents municipalities;
- 157 (5) One appointed by the majority leader of the House of
158 Representatives, who shall be a representative of the solid waste
159 hauling industry;
- 160 (6) One appointed by the majority leader of the Senate, who shall
161 have experience in energy procurement;
- 162 (7) Four appointed by the Governor, each of whom shall represent
163 resource recovery facilities in this state or have experience in energy
164 procurement;
- 165 (8) The Commissioner of Energy and Environmental Protection, or
166 the commissioner's designee;
- 167 (9) The Secretary of the Office of Policy and Management, or the
168 secretary's designee; and
- 169 (10) The Commissioner of Administrative Services, or the
170 commissioner's designee.

171 (c) All appointments to the task force shall be made not later than
172 thirty days after the effective date of this section. Any vacancy shall be
173 filled by the appointing authority.

174 (d) The Commissioner of Energy and Environmental Protection, or
175 the commissioner's designee shall serve as the chairperson of the task
176 force. Such chairperson shall schedule the first meeting of the task
177 force, which shall be held not later than sixty days after the effective
178 date of this section.

179 (e) The administrative staff of the Department of Energy and
180 Environmental Protection shall serve as administrative staff of the task
181 force.

182 (f) Not later than December 15, 2013, the task force shall submit a
183 report on its findings and recommendations to the joint standing
184 committee of the General Assembly having cognizance of matters
185 relating to energy, in accordance with the provisions of section 11-4a of
186 the general statutes. Such report shall include:

187 (1) A review of the applicable statutes and regulations regarding
188 renewable energy certificate credits provided to resource recovery
189 facilities in the state and a recommendation on whether such statutes
190 should be modified. For any such recommendation, the task force shall
191 specify the expected economic impact that such recommendation will
192 have on resource recovery facilities, municipalities and energy
193 consumers in the state;

194 (2) An analysis of the financial status of the resource recovery
195 facilities operating in the state and recommendations to improve such
196 status, including, but not limited to, whether bilateral purchasing
197 agreements between resource recovery facility-based businesses and
198 the state or municipalities would provide a mechanism for improving
199 the long-term financial stability of such facilities;

200 (3) Recommendations for any changes to the statutes and
201 regulations concerning bilateral purchase agreements and a

202 description of the effect that such recommendations would have on the
203 anticipated structure of such agreements and the financial impacts
204 such agreements would have on resource recovery facilities,
205 municipalities, and energy consumers in the state;

206 (4) A recommendation on whether resource recovery facilities in
207 this state should be defined as an "electric municipal utility" for the
208 purpose of the municipalities such facilities serve; and

209 (5) Any other recommendations the task force deems appropriate
210 concerning the future of resource recovery facilities in the state and the
211 long-term financial status of such facilities.

212 (f) The task force shall terminate on the date it submits such report
213 or December 15, 2013, whichever is later.

214 Sec. 9. (NEW) (*Effective from passage*) The Connecticut Resources
215 Recovery Authority shall develop a transition plan for: (1) Achieving a
216 sustainable business model that improves the long-term financial
217 stability of said authority, or (2) conducting the dissolution of said
218 authority and the disposing of said authority's assets. Such plan shall
219 be transmitted to the Governor and the joint standing committees of
220 the General Assembly having cognizance of matters relating to energy
221 and the environment on or before November 30, 2013. Such plan shall
222 be developed in consultation with the Resources Recovery Task Force
223 established in section 2 of this act. In developing such plan, the
224 authority shall detail and give consideration to, but not be limited to,
225 an assessment of:

226 (A) The benefits and consequences of: (i) The closure or sale of the
227 Mid-Connecticut Resource Recovery Facility, (ii) the transition of such
228 facility to an alternative use such as a solid waste management facility,
229 and (iii) the sale of other authority assets;

230 (B) The reductions in authority expenses, including, but not limited
231 to, management fees, labor costs, contract obligations and legal fees;

232 (C) Said authority's financial and legal liabilities and an evaluation
233 of whether such liabilities may be eliminated or mitigated;

234 (D) The operational requirements of said authority's regional
235 transfer stations, landfills and any other functional role of said
236 authority;

237 (E) Said authority's state-wide role in the areas of bonding,
238 education and development and how such transition plan affects that
239 role; and

240 (F) The post-closure responsibilities and liabilities of said authority
241 for landfills under said authority's care and control.

242 Sec. 10. Section 22a-261 of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective from passage*):

244 (a) There is hereby established and created a body politic and
245 corporate, constituting a public instrumentality and political
246 subdivision of the state of Connecticut established and created for the
247 performance of an essential public and governmental function, to be
248 known as the Connecticut Resources Recovery Authority. The
249 authority shall not be construed to be a department, institution or
250 agency of the state.

251 (b) On and before May 31, 2002, the powers of the authority shall be
252 vested in and exercised by a board of directors, which shall consist of
253 twelve directors: Four appointed by the Governor and two ex-officio
254 members, who shall have a vote including the Commissioner of
255 Transportation and the Commissioner of Economic and Community
256 Development; two appointed by the president pro tempore of the
257 Senate, two by the speaker of the House, one by the minority leader of
258 the Senate and one by the minority leader of the House of
259 Representatives. Any such legislative appointee may be a member of
260 the General Assembly. The directors appointed by the Governor under
261 this subsection shall serve for terms of four years each, from January
262 first next succeeding their appointment, provided, of the directors first

263 appointed, two shall serve for terms of two years, and two for terms of
264 four years, from January first next succeeding their appointment. Any
265 vacancy occurring under this subsection other than by expiration of
266 term shall be filled in the same manner as the original appointment for
267 the balance of the unexpired term. Of the four members appointed by
268 the Governor under this subsection, two shall be first selectmen,
269 mayors or managers of Connecticut municipalities; one from a
270 municipality with a population of less than fifty thousand, one from a
271 municipality of over fifty thousand population; two shall be public
272 members without official governmental office or status with extensive
273 high-level experience in municipal or corporate finance or business or
274 industry, provided not more than two of such appointees shall be
275 members of the same political party. The chairman of the board under
276 this subsection shall be appointed by the Governor, with the advice
277 and consent of both houses of the General Assembly and shall serve at
278 the pleasure of the Governor. Notwithstanding the provisions of this
279 subsection, the terms of all members of the board of directors who are
280 serving on May 31, 2002, shall expire on said date.

281 (c) On and after June 1, 2002, the powers of the authority shall be
282 vested in and exercised by a board of directors, which shall consist of
283 eleven directors as follows: Three appointed by the Governor, one of
284 whom shall be a municipal official of a municipality having a
285 population of fifty thousand or less and one of whom shall have
286 extensive, high-level experience in the energy field; two appointed by
287 the president pro tempore of the Senate, one of whom shall be a
288 municipal official of a municipality having a population of more than
289 fifty thousand and one of whom shall have extensive high-level
290 experience in public or corporate finance or business or industry; two
291 appointed by the speaker of the House of Representatives, one of
292 whom shall be a municipal official of a municipality having a
293 population of more than fifty thousand and one of whom shall have
294 extensive high-level experience in public or corporate finance or
295 business or industry; two appointed by the minority leader of the
296 Senate, one of whom shall be a municipal official of a municipality

297 having a population of fifty thousand or less and one of whom shall
298 have extensive high-level experience in public or corporate finance or
299 business or industry; two appointed by the minority leader of the
300 House of Representatives, one of whom shall be a municipal official of
301 a municipality having a population of fifty thousand or less and one of
302 whom shall have extensive, high-level experience in the environmental
303 field. No director may be a member of the General Assembly. Not
304 more than two of the directors appointed by the Governor shall be
305 members of the same political party. The appointed directors shall
306 serve for terms of four years each, provided, of the directors first
307 appointed for terms beginning on June 1, 2002, (1) two of the directors
308 appointed by the Governor, one of the directors appointed by the
309 president pro tempore of the Senate, one of the directors appointed by
310 the speaker of the House of Representatives, one of the directors
311 appointed by the minority leader of the Senate and one of the directors
312 appointed by the minority leader of the House of Representatives shall
313 serve an initial term of two years and one month, and (2) the other
314 appointed directors shall serve an initial term of four years and one
315 month. The appointment of each director for a term beginning on or
316 after June 1, 2004, shall be made with the advice and consent of both
317 houses of the General Assembly. The Governor shall designate one of
318 the directors to serve as chairperson of the board, with the advice and
319 consent of both houses of the General Assembly. The chairperson of
320 the board shall serve at the pleasure of the Governor. Any appointed
321 director who fails to attend three consecutive meetings of the board or
322 who fails to attend fifty per cent of all meetings of the board held
323 during any calendar year shall be deemed to have resigned from the
324 board. Any vacancy occurring other than by expiration of term shall be
325 filled in the same manner as the original appointment for the balance
326 of the unexpired term. As used in this subsection, "municipal official"
327 means the first selectman, mayor, city or town manager or chief
328 financial officer of a municipality that has entered into a solid waste
329 disposal services contract with the authority and pledged the
330 municipality's full faith and credit for the payment of obligations
331 under such contract.

332 (d) The chairperson shall, with the approval of the directors,
333 appoint a president of the authority who shall be an employee of the
334 authority and paid a salary prescribed by the directors. The president
335 shall supervise the administrative affairs and technical activities of the
336 authority in accordance with the directives of the board.

337 (e) Each director shall be entitled to reimbursement for said
338 director's actual and necessary expenses incurred during the
339 performance of said director's official duties.

340 (f) Directors may engage in private employment, or in a profession
341 or business, subject to any applicable laws, rules and regulations of the
342 state or federal government regarding official ethics or conflict of
343 interest.

344 (g) Six directors of the authority shall constitute a quorum for the
345 transaction of any business or the exercise of any power of the
346 authority, provided, two directors from municipal government shall be
347 present in order for a quorum to be in attendance. For the transaction
348 of any business or the exercise of any power of the authority, and
349 except as otherwise provided in this chapter, the authority shall have
350 power to act by a majority of the directors present at any meeting at
351 which a quorum is in attendance. If the legislative body of a
352 municipality that is the site of a facility passes a resolution requesting
353 the Governor to appoint a resident of such municipality to be an ad
354 hoc member, the Governor shall make such appointment upon the
355 next vacancy for the ad hoc members representing such facility. The
356 Governor shall appoint with the advice and consent of the General
357 Assembly ad hoc members to represent each facility operated by the
358 authority provided at least one-half of such members shall be chief
359 elected officials of municipalities, or their designees. Each such facility
360 shall be represented by two such members. The ad hoc members shall
361 be electors from a municipality or municipalities in the area to be
362 served by the facility and shall vote only on matters concerning such
363 facility. The terms of the ad hoc members shall be four years.

364 [(h) There is established, effective June 1, 2002, a steering committee
365 of the board of directors, consisting of at least three but not more than
366 five directors, who shall be jointly appointed by the Governor, the
367 president pro tempore of the Senate and the speaker of the House of
368 Representatives. Said committee shall consist of at least one director
369 who is a municipal official, as defined in subsection (c) of this section.
370 The steering committee shall forthwith establish a financial
371 restructuring plan for the authority, subject to the approval of the
372 board of directors, and shall implement said plan. The financial
373 restructuring plan shall determine the financial condition of the
374 authority and provide for mitigation of the impact of the Connecticut
375 Resources Recovery Authority-Enron-Connecticut Light and Power
376 Company transaction on municipalities which have entered into solid
377 waste disposal services contracts with the authority. The steering
378 committee shall also review all aspects of the authority's finances and
379 administration, including but not limited to, tipping fees and
380 adjustments to such fees, the annual budget of the authority, any
381 budget transfers, any use of the authority's reserves, all contracts
382 entered into by or on behalf of the authority, including but not limited
383 to, an assessment of the alignment of interests between the authority
384 and the authority's contractors, all financings or restructuring of debts,
385 any sale or other disposition or valuation of assets of the authority,
386 including sales of electricity and steam, any joint ventures and
387 strategic partnerships, and the initiation and resolution of litigation,
388 arbitration and other disputes. The steering committee (1) shall have
389 access to all information, files and records maintained by the authority,
390 (2) may retain consultants and utilize other resources necessary to
391 carry out its responsibilities under this subsection, which have a total
392 cost of not more than five hundred thousand dollars, without the
393 approval of the board of directors, and may draw on accounts of the
394 authority for such costs, and (3) shall submit a report to the board of
395 directors and the General Assembly, in accordance with section 11-4a,
396 on its findings, progress and recommendations for future action by the
397 board of directors in carrying out the purposes of this subsection, not
398 later than December 31, 2002. Said report shall also include a report on

399 any loans made to the authority under section 22a-268d. The steering
400 committee shall terminate on December 31, 2002, unless extended by
401 the board.]

402 [(i)] (h) The board may delegate to three or more directors such
403 board powers and duties as it may deem necessary and proper in
404 conformity with the provisions of this chapter and its bylaws. At least
405 one of such directors shall be a municipal official, as defined in
406 subsection (c) of this section, and at least one of such directors shall not
407 be a state employee.

408 [(j)] (i) Appointed directors may not designate a representative to
409 perform in their absence their respective duties under this chapter.

410 [(k)] (j) The term "director", as used in this section, shall include
411 such persons so designated as provided in this section and this
412 designation shall be deemed temporary only and shall not affect any
413 applicable civil service or retirement rights of any person so
414 designated.

415 [(l)] (k) The appointing authority for any director may remove such
416 director for inefficiency, neglect of duty or misconduct in office after
417 giving the director a copy of the charges against the director and an
418 opportunity to be heard, in person or by counsel, in the director's
419 defense, upon not less than ten days' notice. If any director shall be so
420 removed, the appointing authority for such director shall file in the
421 office of the Secretary of the State a complete statement of charges
422 made against such director and the appointing authority's findings on
423 such statement of charges, together with a complete record of the
424 proceedings.

425 [(m)] (l) The authority shall continue as long as it has bonds or other
426 obligations outstanding and until its existence is terminated by law.
427 Upon the termination of the existence of the authority, all its rights and
428 properties shall pass to and be vested in the state of Connecticut.

429 [(n)] (m) The directors, members and officers of the authority and

430 any person executing the bonds or notes of the authority shall not be
 431 liable personally on such bonds or notes or be subject to any personal
 432 liability or accountability by reason of the issuance thereof, nor shall
 433 any director, member or officer of the authority be personally liable for
 434 damage or injury, not wanton or wilful, caused in the performance of
 435 such person's duties and within the scope of such person's
 436 employment or appointment as such director, member or officer.

437 [(o)] (n) Notwithstanding the provisions of any other law to the
 438 contrary, it shall not constitute a conflict of interest for a trustee,
 439 director, partner or officer of any person, firm or corporation, or any
 440 individual having a financial interest in a person, firm or corporation,
 441 to serve as a director of the authority, provided such trustee, director,
 442 partner, officer or individual shall abstain from deliberation, action or
 443 vote by the authority in specific respect to such person, firm or
 444 corporation.

445 Sec. 11. Sections 22a-268c to 22a-268f, inclusive, of the general
 446 statutes are repealed. (*Effective from passage*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	22a-207a
Sec. 2	<i>October 1, 2013</i>	22a-208f
Sec. 3	<i>October 1, 2013</i>	22a-220a(g)
Sec. 4	<i>October 1, 2013</i>	22a-226e(a)
Sec. 5	<i>October 1, 2013</i>	New section
Sec. 6	<i>October 1, 2013, and applicable to assessment years commencing on or after said date</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>from passage</i>	22a-261
Sec. 11	<i>from passage</i>	Repealer section